

REVISED LAWS OF
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
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village or township shall order the owner or occupant thereof to remove the same at his expense within a time not to exceed ten days, the exact time to be specified in the notice. Said notice shall be served by the sheriff, marshal or other peace officer, by delivering a copy thereof to the owner, occupant or agent of such property. If the owner of the property is unknown or absent, with no known representative or agent upon whom notice can be served, then the sheriff, marshal or other peace officer shall post a written or printed notice upon the property or premises, setting forth that unless the nuisance, source of filth, or cause of sickness is abated or removed within ten days, the sheriff, marshal or other peace officer will abate or remove, or cause to be abated or removed, at the expense of the owner, the nuisance, source of filth, or cause of sickness complained of and found to exist; provided, that in carrying out the provisions of this act no debt or claim against any individual owner, or any one piece of real property, shall exceed the sum of twenty-five dollars, that in all cities in this state now or hereafter having a population of over 50,000 inhabitants, the collection and disposal of night soil from privy vaults and contents of cesspools shall be under the charge and supervision of, and shall be done by the department of health of such cities. ('07 c. 425 § 1)

Historical.—"An act to provide for the abatement of a nuisance, source of filth or cause of sickness." Approved April 25, 1907.

[2151—]2. **Same—Abatement—Costs assessed on property.**—If the owner, occupant or agent shall fail or neglect to comply with the requirement of said notice, then said health officer shall proceed to have the nuisance, source of filth, or cause of sickness, described in said notice, removed or abated from said lot or parcel of ground and report the cost thereof to the city clerk, or other like officer, and the cost of such removal or abatement shall be assessed and charged against the lot or parcel of ground on which the nuisance, source of filth, or cause of sickness was located, and the city clerk, or other like officer, shall, at the time of certifying their taxes to the county auditor, certify the aforesaid costs, and the county auditor shall extend the same on the tax roll of the county against said lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city, village or township, as other taxes are collected and paid. ('07 c. 425 § 2)

CHAPTER 30.

LIVE STOCK SANITATION.

2160. Killing—Owner to be notified—Autopsy—Appraisal.

See section [2160—]1.

[2160—]1. **Same — Notice — Appraisal — Protest—Autopsy.**—Whenever the state live stock sanitary board shall decide upon the killing of an animal affected with the disease tuberculosis or glanders, it shall notify the owner or keeper of such decision, when the judgment of the state live stock sanitary board, such animal may be ordered transported for immediate slaughter by the said board, through its executive officer to any abattoir within the state where the United States bureau of animal industry maintains inspection, and said live stock sanitary board shall pay the expense, said transportation and yardage. Before being removed from the premises of owner, there shall be appointed three competent disinterested men, one appointed by the state, one by the owner, and a third by the first two, to appraise such animal at its cash value. Such appraisal

shall in no case exceed thirty-five dollars for a cow and seventy-five dollars for a horse, except in the case of pure bred cattle and horses, where the pedigree shall be proved by certificates of register from the herd books where registered, and in that case the maximum appraisal shall not exceed seventy-five dollars. If upon slaughter such animal is found by the inspector in charge of such abattoir, or veterinarian of the state live stock sanitary board, to be free from any contagious or infectious disease, then the full amount of such appraisal, less the value of the carcass, shall be paid to the owner of such animal from the funds hereby appropriated for the purpose of carrying out this act. But if upon postmortem examination such animal shall be found to be afflicted with tuberculosis or glanders, then and in that case the value of the carcass shall be deducted from the appraised value of the living animal; three-fourths of the remainder shall be paid to the owner by the state, provided the animal has been kept for one year in good faith in the state prior to the killing thereof. The owner or keeper may file with the board which has ordered the killing, within forty-eight hours after being notified, a protest stating therein under oath that to the best of his knowledge and belief the animal is not infected with tuberculosis or glanders; blank protest shall be furnished by the board which has ordered such killing. Thereupon, if the animal be killed, an autopsy shall be held by three experts, who shall be graduate veterinarians of a recognized college, one appointed by the state board, one by the owner, to be paid by the owner, and the third by the first two, to be paid by the state, who shall appraise such animal before it is killed at its cash value, and the autopsy shall then be held upon such animals by the above mentioned veterinarians. If the autopsy shows that the animal is entirely free from any such disease, the full cash value thereof immediately before the killing shall be paid to the owner by the state, less the value of the carcass, but if found to be diseased, the owner shall be paid three-fourths value, as hereinbefore provided. The appraisements made under this act shall be in writing and signed by the appraisers and certified by the local board of health and the state live stock sanitary board, respectively, to the auditor of the state, who shall draw a warrant on the state treasurer for the amount thereof. When cattle have been bought in good faith for slaughtering purposes by butchers who are retail dealers, and the carcasses thereafter found to be infected with tuberculosis, it shall be the duty of the local board of health to appoint three disinterested persons to appraise the value of said carcass, and the owner of said carcass shall be entitled to receive from the state two-thirds of the amount of such appraisement, and the hide shall also be returned to him; provided, however, that this provision shall not apply to a slaughtering or packing house that has a state or United States government inspection system. (Laws 1903, c. 352, § 13, as amended by Laws 1905, c. 115, § 1, and Laws 1909, c. 401, § 1.)

Historical.—"An act to amend chapter 115, General Laws 1905, relating to the suppression of dangerous, contagious and infectious diseases of domestic animals." Approved April 22, 1909.

This act appears to supersede Laws 1909, c. 253, "An act to amend chapter 115 of the General Laws of 1905, entitled, 'An act to amend chapter three hundred and fifty-two of the General Laws of the year one thousand nine hundred and three entitled, 'An act to establish the state live stock sanitary board of Minnesota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals,'" approved April 19, 1909.

Laws 1903, c. 352, was repealed by R. L. § 5546; the provisions of section 13 thereof being incorporated in section 2160.

[2167—]1. Inspection of imported live stock—Transportation companies—Certificate of health.—That it shall be unlawful for any transportation company to bring into the State of Minnesota any

horses, mules, asses, cattle, sheep or swine, for work, feeding, breeding or dairy purposes, unless such animals have been examined and found free from the following contagious diseases, to-wit: Glanders, farcy, tuberculosis, scabbies, maladie du coit, or any other contagious or infectious disease, which freedom from disease shall be established by a certificate of health signed by a state veterinarian or assistant state veterinarian of the state from which such shipment is made, or a veterinarian of the United States bureau of animal industry, or by a veterinarian acting under the order or direction of the live stock sanitary board of this state. The certificate of health and permit given by the above mentioned veterinarians shall be given in duplicate, the original of which shall be forwarded to the live stock sanitary board of Minnesota, and the duplicate given to the railroad or transportation company to be attached to the bill of lading for said animals; provided, that in the case of cattle over six months of age, to be used for breeding or dairy purposes, the non-existence of tuberculosis shall have been determined by the tuberculin test within thirty days preceding such importation, and certified by the veterinarian issuing the above mentioned certificate of health and permit. The tuberculin test shall not be demanded for cattle intended for exhibition at town, county, district or state fairs. ('07 c. 355 § 1)

Historical.—"An act to protect the public health and health of domestic animals by providing for the inspection of live stock imported into the state of Minnesota for breeding, dairy, work or feeding purposes." Approved April 23, 1907.

[2167—]2. **Same—Duty of transportation companies.**—That in any case where the inspection certificate as required in the preceding section has not been obtained, transportation companies shall notify the live stock sanitary board and shall hold such animals at the first station within Minnesota where are suitable facilities for holding animals for inspection by the live stock sanitary board, such inspection to be made at expense of the owner. ('07 c. 355 § 2)

[2167—]3. **Same—Penalty for violation—Action for damages.**—Any transportation company, corporation or agent thereof, violating any of the provisions of this act, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be fined for each offense not less than five hundred dollars, nor more than one thousand dollars, or be imprisoned for not more than one year. Such transportation company, corporation or agent shall be liable in a civil action to any person injured for the full amount of damages that may result from the violation of this act. Action may be brought in any county in the state in which said cattle are sold, offered for sale or delivered to purchaser, or anywhere they may be detained in transit. ('07 c. 355 § 3)

[2167—]4. **Same—Certain animals excepted.**—The provisions of this act shall not apply to cattle, hogs and sheep shipped to points within the state where the United States bureau of animal industry maintains inspection. ('07 c. 355 § 4)

[2167—]5. **Tuberculin and mallein—Discrimination in distribution prohibited.**—That the live stock sanitary board of this state and all its officers are prohibited from making any distinction whatever in the furnishing and distribution of tuberculin and mallein among the licensed veterinarians of this state for use in making tests of cattle and horses. Said board shall furnish and distribute tuberculin and mallein to veterinarians in this state for such tests without regard to whether such veterinarians are graduates of a veterinary college or not. ('09 c. 445 § 1)

Historical.—"An act regulating the distribution of tuberculin and mallein to licensed veterinarians in this state by the state live stock sanitary board, and to

prevent discrimination among veterinarians by said board and its officers." Approved April 22, 1909.

[2167—]6. **Same—Applications—Record, etc.**—Said board shall keep a record of all applications by licensed veterinarians for tuberculin and mallein showing the name of applicant and date of receipt of application and amount desired, and shall furnish the same in the order of such applications without regard to whether the applicant is a graduate veterinarian or not. In case said board shall not have sufficient of such tuberculin or mallein to furnish all applicants for such, said board shall furnish the same pro rata among such applicants. ('09 c. 445 § 2)

[2167—]7. **Same—Penalty for violation.**—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. ('09 c. 445 § 3)

[2167—]8. **Tuberculin and mallein—Sale—Report to board.**—Each and every druggist or vendor in drugs, wholesale or retail, or other person, who shall hereafter, in the state of Minnesota, sell, furnish or supply to any person any mallein or tuberculin shall on the same day of selling, furnishing or supplying the same, report to the live stock sanitary board, giving name or names of person or persons to whom he shall sell, furnish or supply such mallein or tuberculin, the amount sold, furnished or supplied and the name and place of residence, or business of each and every person for whom such mallein or tuberculin shall be purchased, sold, furnished or supplied. ('09 c. 272 § 1)

Historical.—"An act to restrict the sale of mallein and tuberculin." Approved April 20, 1909.

[2167—]9. **Same—Penalty for violation.**—Every person or firm violating this act shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty-five dollars, or imprisonment for thirty days. ('09 c. 272 § 2)

[2167—]10. **Sale of pure bred cattle—Certificate of health.**—All persons selling pure bred cattle or cattle represented to be pure blooded, for breeding purposes, shall, before delivery, make a report to the state live stock sanitary board on blanks furnished by the board on application, stating the number of cattle sold, their age and sex and to whom sold, and before delivery thereof such cattle shall be tested with tuberculin and a certificate of health be given by said live stock sanitary board or some person duly authorized by the board, to the seller and purchaser. Provided, that no such certificate shall be required in case the cattle so sold shall have been tested within one year under the direction of the live stock sanitary board and the laws of this state, and a certificate of health granted by said board within that time; provided, further, that no certificate shall be required for animals under one year of age. ('09 c. 392 § 1)

Historical.—"An act prohibiting the sale of pure bred cattle unless accompanied by a certificate of health." Approved April 22, 1909.

Section 3 provides that the act shall take effect January 1, 1910.

[2167—]11. **Same—Penalty for violation.**—Any person who shall sell or dispose of any pure bred cow or bull for breeding purposes without furnishing a certificate as stated in section 1 [2167—10] of this act, shall be guilty of a misdemeanor. ('09 c. 392 § 2)